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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,765	11/29/2000	Mark W. Bradley	INSTP002	1918

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EXAMINER

NGUYEN, MIKE

ART UNIT	PAPER NUMBER
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2182

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DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,765

Applicant(s)

BRADLEY, MARK W.

Examiner

Mike Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Notices & Remarks

1. Claims 1-20 are pending for the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4-14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Muhlestein (U.S. Pat. No. 6,279,011 B1).

4. As to claim 1, Muhlestein teaches a translation system for translating between nodes heterogeneous file systems (see figure 1 and column 2 lines 32-64), comprising:

a consumer node having a first file system, the consumer node including a driver for supplementing requests from the first file system to a storage device (see figure 1 elements 120, 130 wherein the consumer node can be PC devices using a windows NT, windows 95, or Unix operating systems, therefore the consumer node must have a first file system and a driver for

implementing requests from the first file system to the storage device (see figure 2 element 210) under controlling of a file server 140);

an input/output (I/O) node implementing a second file system (see figure 1 element 140 and column 2 lines 54-64), the I/O node having the storage device to connected thereto, the I/O node being in communication with the consumer node over a transport (see figure 1 element 110 and figure 2 element 210 and column 2 lines 65-67 and column 3 lines 1-24), the I/O node including,

a translator layer, the translator layer being configured to map the supplemented requests from the first the first system to the second file system and back to the first file system (see figure 3 and column 3 lines 55-67 and column 4 lines 1-67).

5. As to claim 2, Muhlestein teaches a translation system for translating between nodes having heterogeneous file system as recited in claim 1, wherein the I/O node further comprises, a message handler, the message handler being configured to interface with the driver so as to filter I/O requests to the translator layer (see figure 2 element 140 and column 2 lines 54-64 wherein the I/O node 140 is disposed for receiving and responding to the consumer node, therefore it is inherently the I/O node having a message handler to filter I/O requests from the driver of the consumer node to the translator layer of the I/O node).

6. As to claim 4, Muhlestein teaches a translation system for translating between nodes having heterogeneous file systems as recited in claim 1, wherein the translator layer is configured to reformat a mounted metadata of the second file system such that the reformatted metadata substantially matches the metadata of the first file system (see figure 3 and column 3 lines 55-67 and column 4 lines 1-67).

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7. Claim 5 is of similar scope as claims 1-2, and 4 and is therefore rejected under same rationale.

Muhlestein also teaches a nexus (see column 38-41 wherein the communication network 110 can include a LAN or other communication structure, therefore it can be a nexus).

8. As claim 6, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 5, wherein the performing of discovery of the desired I/O node comprises:

determining the type of the desired I/O node (see column 3 lines 55-67 and column 4 lines 1-67).

9. As claim 7, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 5, wherein the enumerating the desired I/O node comprises:

determining the characteristics of the desired I/O node (see column 2 lines 54-64 and column 3 lines 55-67 and column 1-67).

10. As to claim 8, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 5, wherein the enumerating devices connected to the desired I/O node comprises:

determining the type of the devices connected to the desired I/O node (see column 3 lines 55-67 and column 4 lines 1-67); and

determining the characteristics of the devices connected to the desired I/O node (see column 2 lines 54-64 and column 3 lines 55-67 and column 4 lines 1-67).

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11. As to claim 9, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 5, wherein the supplementing the read request for communication over the nexus to the particular device that is connected to the desired I/O node comprises:

manipulating the read request so as to create a supplemented request, the supplemented request being configured to carry a type of a file system of the node (see column 2 lines 54-64 and column 3 lines 55-67 and column 4 lines 1-67).

12. Claims 10-12 are of similar scope as claims 1-2, 4 and are therefore rejected under same rationale.

13. As to claim 13, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 10, wherein the I/O node can be one of a storage controller devices, a device supporting NFS protocols, and a device supporting CIFS protocols, each of the devices for supporting NFS protocols and CIFS protocols being implemented for file system sharing (see column 54-64).

14. As to claim 14, Muhlestein teaches a method for enabling communication between nodes having heterogeneous file systems as recited in claim 10, wherein the consumer node can be one of a personal computer, a work station computer, a network computer, a file server, a computer server, a web server, a wireless computer, and a personal digital assistant (see figure 1 and column 34-53).

15. Claims 16-19 are of similar scope as claims 1-2, 4-14 and are therefore rejected under same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhlestein as applied to claim 1 above, and further in view of Atsatt et al. (U.S. Pat. No. 5,758,153).

As to claim 3, Muhlestein teaches a translation system for translating between nodes having heterogeneous file system as recited in claim 2, wherein the translator layer is interfaced between the second file system and the message handler (it is obviously the translator layer interfacing between the second file system and the message handler).

Muhlestein fails to explicitly teach: a dynamic flat file system. Atsatt; however, teaches the second file system is the dynamic flat file system (see ABSTRACT). Given the teaching of Atsatt, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Muhlestein by employing the well know or conventional feature of the second file system, such as taught by Atsatt, in order to be easily modified and extended and conveniently and efficiently searched (see ABSTRACT).

18. Claims 15 and 20 are of similar scope as claim 3 and are therefore rejected under same rationale.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 6,195,650 B1 (Gaither et al.)

U.S. Pat. No. 5,680,303 (Libucha et al.)

U.S. Pat. No. 5,668,958 (Bendert et al.)

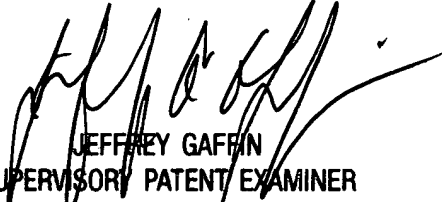
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Nguyen whose telephone number is (703) 305-5040 or e-mail is mike.nguyen@uspto.gov. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

The appropriate fax number for the organization where this application or proceeding is assigned is (703) 746-7240.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey Gaffin, can be reached on (703) 308-3301.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Mike Nguyen
Patent Examiner
Group Art Unit 2182


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

04/04/2003

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.